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CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY dm
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CRIMINAL NO.

INFORMATION

Count One – Title 18 U.S.C., Sections 7(3) and 13, (Involving Section 49.04(d), Texas Penal Code – Driving While Intoxicated

Penal Code – Driving While Intoxicated

EP 23 MJ 1070

COUNT ONE

On or about September 30, 2022 in the Western District of Texas, and at a place within the special maritime and territorial jurisdiction of the United States as defined in Title 18, United States Code, Section 7(3), on land reserved and acquired for the use of the United States, to wit: Fort Bliss, Texas, the Defendant,


did then and there drive and operate a motor vehicle in a public place while Defendant was intoxicated by reason of the introduction of alcohol into his body and Defendant had an alcohol concentration of 0.15 or more in his body, and it is further presented that at the time of the above offense, the defendant, who was operating the motor vehicle knowingly had an open container of an unknown alcoholic beverage, namely a cup in the drivers side door cup holder, in his immediate

possession, in violation of Title 18, United States Code, Sections 7(3) and 13 (Involving Section 49.04(d), Texas Penal Code – Driving While Intoxicated.)

Respectfully submitted,

JAIME ESPARZA
United States Attorney

GREGORY E. McDONALD
Assistant United States Attorney


By: SPENCER C. WOLFE
Special Assistant United States Attorney

Fort Bliss Misdemeanors
Date: April 18, 2023
Judge Castaneda

<u>NAME</u>	<u>OFFENSE</u>	<u>MAXIMUM PUNISHMENT</u>
Milton Carino Ortiz	<u>COUNT ONE</u> DWI - Alcohol 18 U.S.C. 7(3) and 13 TPC 49.04 (d) Class A Misdemeanor	Confinement one (1) year, \$4,000 Fine, one (1) year Supervised Release, Both Confinement and Fine, SA \$25

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

UNITED STATES OF AMERICA,)	CRIMINAL NO.
)	
Plaintiff,)	
)	
v.)	CASE NO.:
)	
MILTON CARINO ORTIZ,)	
)	
Defendant.)	EP23MJ1070

AFFIDAVIT IN SUPPORT OF CRIMINAL INFORMATION

I, Carlos Cabral, hereby declare under the penalty of perjury, pursuant to Title 28, United States Code, Section 1746, that:

1. I am the Custodian of Records for Directorate of Emergency Services assigned to the Police Services Division in the Provost Marshal's Office at Fort Bliss, Texas. I have reviewed Law Enforcement Report 00668-2022-TAI014-021598-3B2/3R7, and the sworn statements made part thereof, and have derived the following facts there from:

2. On September 30, 2022, at approximately 2:00 A.M., Department of the Army Security Guard (DASG) J.Z. was conducting 100% RAMS inspections at Cassidy Access Control Point (ACP) when a white Chevy U-Haul truck pulled up to the gate. DASG J.Z. asked the driver, later identified as Defendant, MILTON CARINO ORTIZ, to step out of the vehicle. DASG J.Z. observed Defendant's lack of balance, confusion, and odor of an unknown alcoholic beverage emitting from his person. DASG believed these to be indications of intoxication and notified dispatch of a possible DWI.

3. Military Police (MP) Specialist (SPC) A.K. arrived on scene at approximately 2:04 A.M. SPC A.K. approached Defendant and observed his blood-shot eyes, slurred speech, unsure balance, and the odor of an unknown alcoholic beverage emitting from his person. SPC A.K. asked

Defendant if he would consent to conduct the Standardized Field Sobriety Tests (SFSTs) and Defendant gave consent. Before conducting the test, Defendant told SPC A.K. that he was probably "over the limit." The results of the SFSTs indicated impairment. SPC A.K. apprehended Defendant for suspicion of Driving While Intoxicated and transported to the Provost Marshal's Office (PMO) for further investigation. After Defendant was apprehended, officers conducted a search of Defendant's vehicle, finding a cup with an unknown alcoholic beverage in the driver's door and various small containers of alcoholic Jell-O shots.

4. SPC A.K. read implied consent to Defendant, asking Defendant to consent to providing a blood or breath sample. Defendant consented to providing a breath sample at 03:09 A.M. SPC A.K. took Defendant's breath sample at 3:23 A.M., the results of which indicated a blood alcohol content level of .209.

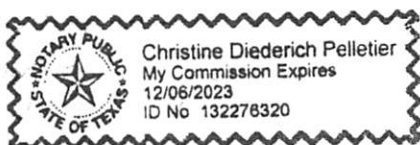
5. Cassidy ACP is a public road located in the Western District of Texas and at a place within the special maritime and territorial jurisdiction of the United States as defined in Title 18, United States Code, Section 7(3), on land reserved and acquired for the use of the United States, to wit: Fort Bliss, Texas.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT. EXECUTED THIS 14 DAY OF APRIL 2023.

Carlos Cabral

CARLOS CABRAL
Supervisory Police Administration Assistant
Directorate of Emergency Services

Sworn to (affirmed) and subscribed before me this 14th day of April 2023. _____ Personally known or X Produced Civilian Common Access Card as identification.



Christine Diederich Pelletier
Signature of Notary Public

Probable cause found:

No probable cause found:

DATE: _____

UNITED STATES MAGISTRATE JUDGE